




U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CC 2001-27 0100-21

**APPLICANT'S MOTION TO AMEND ANSWER
TO INCLUDE SUFFICIENT ANSWERS, DENIALS AND AFFIRMATIVE DEFENSES**

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service via first class mail in an envelope addressed to: BOX TTAB - FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on


Signature

Justice Requires Adding the Subject Amendments and Affirmative Defenses

Leave to amend pleadings must be freely given when justice so requires, unless entry of the proposed amendment would violate settled law or be prejudicial to the rights of the adverse party or parties. Fed. R. Civ. P. 15(a); TMBP §507.02. The TTAB should liberally apply the policies established by the Federal Rules of Civil Procedure concerning amendments to pleadings, as the effect of dismissing the subject petition would be to foreclose the Applicant from asserting any claim it may have against the pleaded registration. See's *Candy Shops Inc. v. Campbell Soup Co.*, 12 U.S.P.Q.2d 1395, 1397 (TTAB 1989). Applicant urges that justice requires entry of the proposed amendment as Applicant's Original Answer is grossly deficient in answers, denials and defenses as it was self-answered without the help of a trademark attorney.

The Opposer/Respondent Will Suffer No Prejudice by this Amendment

With regard to any potential prejudice to Opposer, the timing of a motion for leave to amend under Fed. R. Civ. P. 15(a) is a major factor in determining whether such prejudice would result from granting the motion. *Commodore Electronics Ltd. v. CBM Kabushiki Kaisha*, 26 U.S.P.Q.2d 1503 (TTAB 1993). No prejudice to the Opposer exists inasmuch as Opposer's discovery requests are more than sufficiently comprehensive to cover or address all of the additional answers and affirmative defenses raised by Applicant's amended Answer. Moreover, this motion is filed prior to Opposer doing anything during its testimony period. These factors are sufficient to establish that Opposer will suffer no real prejudice as a result of this amendment. *Glad Products Co. v. Illinois Tool Works Inc.*, 62 U.S.P.Q.2d 1538, 1540 (TTAB 2002).

In view of the foregoing, and because this motion is filed promptly after retaining an Attorney, it is submitted that the Motion to Amend to Include Sufficient Answers, Denials and Affirmative Defenses is well taken and that the "Amended Answer and Affirmative Defenses" submitted herewith be accepted and substituted for the original Answer.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rakesh M. Amin', written over a horizontal line.

Rakesh M. Amin
Attorney for Applicant

Date: 6-17-03

Weaver & Amin
217 North Jefferson Street
Suite 602
Chicago, IL 60661
Phone: (312) 466-0077
Fax: (312) 466-0088

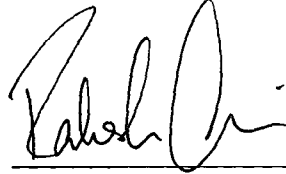
CERTIFICATE OF SERVICE

I, Rakesh M. Amin, hereby certify that I caused the foregoing **APPLICANT'S MOTION TO AMEND ANSWER TO INCLUDE SUFFICIENT ANSWERS, DENIALS AND AFFIRMATIVE DEFENSES** to be served via U.S. Mail, first class postage pre-paid, to:

Jonathan A. Hyman, Esq.

Knobbe, Martens, Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

this 17th day of June, 2003.

A handwritten signature in black ink, appearing to read 'Rakesh M. Amin', is written over a horizontal line.

Rakesh M. Amin

PORT CARLING CORPORATION,)	Opposition No: 91,152,840
Opposer)	Serial No. 76/255860
)	Mark: SOMERSEASONS
v.)	GREETINGS ASHLEY
)	International Class: 16 Paper Goods
JULIE SOMERS,)	and Printed Matter
Applicant.)	Published: April 30, 2002
)	
)	
)	

1) S. Patent & TMOfc/TM Mail Rcpt Dt. #22

2. Applicant denies the allegations contained in the first sentence of paragraph 15 of the Notice of Opposition. Applicant admits the allegations contained in the second sentence of paragraph 15 of the Notice of Opposition. Applicant denies the allegations contained in the third sentence of paragraph 15 of the Notice of Opposition.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 16 of the Notice of Opposition and accordingly denies the same. Applicant denies the allegations contained in the second sentence of paragraph 16 of the Notice of Opposition.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 17 of the Notice of Opposition and accordingly denies the same. Applicant denies the allegations contained in the second sentence of paragraph 17 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

1. Applicant's trademark is manifestly distinct from any alleged mark of the Opposer, thus likelihood of confusion will never occur.

2. There is no likelihood of confusion, mistake or deception because Applicant's mark and Opposer's mark are not confusingly similar. Any similarity, if at all, between Applicant's mark and Opposer's mark is in the term "SOMERS" which has been used and registered by numerous third parties; thus Opposer cannot base any similarity between its mark and Applicant's mark on the term "SOMERS".

3. There is no likelihood of confusion because Applicant's SOMERSEASONS GREETINGS ASHLEY distinctive design mark is not at all confusingly similar to Opposer's SUZANNE SOMERS, SOMERS, SOMERSIZE, SUZANNE SOMERS COLLECTION, SOMERSWEET, SOMERSIZE marks (collectively "SOMERS marks") in its sound.

4. There is no likelihood of confusion because Applicant's SOMERSEASONS GREETINGS ASHLEY design mark is so drastically different from and is not confusingly similar to Opposer's SOMERS marks in its appearance.

5. There is no likelihood of confusion because Applicant's SOMERSEASONS GREETINGS ASHLEY design mark is not at all confusingly similar to Opposer's SOMERS marks in its meaning.

6. There is no likelihood of confusion because Applicant's SOMERSEASONS GREETINGS ASHLEY design mark is so drastically different from and is not confusingly similar to Opposer's SOMERS marks in appearance of advertising, promotional material and packaging.

7. There is no likelihood of confusion because Applicant's and Opposer's distinct and unique design elements prominently appear on material bearing the marks which are so drastically and significantly different.

8. There is no likelihood of confusion because Applicant's and Opposer's distinct house marks or company names prominently appear on material bearing the marks which are so drastically and significantly different.

9. There is an absence of likely confusion because the marks at issue create a completely different commercial connotation and impression.

10. There is no likelihood of confusion because of significant differences in Applicant's and Opposer's nature of goods, in the channels of commerce used for these goods, in the advertising media used for the goods, and in the quality and price of the goods.

11. Actual confusion regarding the marks at issue has never occurred.

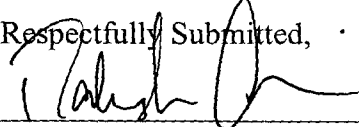
12. Applicant adopted and used its SOMERSEASONS GREETINGS ASHLEY design mark in good faith and never with an intent to deceive or confuse and Applicant has only made "fair use" of its mark such that no likelihood of confusion will ever occur with Opposer's mark; not even a remote chance of likelihood of confusion exists.

13. The mark portion "SOMERS" of the Opposer's SOMERSEASONS GREETINGS ASHLEY design mark is commonly used and registered by many third-parties and cannot be solely claimed as owned or for use by the Opposer.

14. Applicant affirmatively alleges that the mark portion "SOMERS" is very common and cannot be distinctive to or solely owned by Opposer. Since Applicant's mark as a whole is not in any way similar to Opposer's mark, there can be no likelihood of confusion. Many third party registrations and uses now exist and have existed of SOMERS – containing marks.

15. The Opposer's "SOMERS marks" are "weak" marks with a very limited and narrow scope of protection and are not likely to be confused with the Applicant's SOMERSEASONS GREETINGS ASHLEY design mark because the public has been exposed to extensive third-party use of many "SOMERS" marks and can easily distinguish between the Opposer's and Applicant's marks.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety, and that a registration issue to Applicant for its mark.

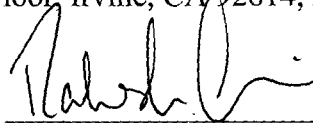
Respectfully Submitted,

Rakesh M. Amin (IL #6228751)
Weaver & Amin
217 N. Jefferson St., Suite 602

Chicago, Illinois 60661
Telephone: (312) 466-0077
Facsimile: (312) 466-0088

Dated: June 17, 2003

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **APPLICANT'S AMENDED ANSWER AND AFFIRMATIVE DEFENSES TO NOTICE OF OPPOSITION** was mailed first-class mail, postage prepaid, to Jonathan A. Hyman, Esq., Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, CA 92614, Attorneys for Opposer, this 17th day of June, 2003.

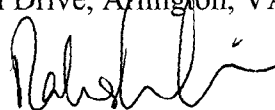
A handwritten signature in black ink, appearing to read 'Rakesh M. Amin', written over a horizontal line.

Rakesh M. Amin

Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: BOX TTAB, NO FEE, Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on June 17, 2003.



Rakesh M. Amin

Attorney for Applicant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PORT CARLING CORPORATION,)	Opposition No: 91,152,840
Opposer,)	Serial No. 76/255860
)	Mark: SOMERSEASONS
v.)	GREETINGS ASHLEY
)	International Class: 16 Paper Goods
JULIE SOMERS,)	and Printed Matter
Applicant.)	Published: April 30, 2002
)	



BOX TTAB NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

06-20-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

**MOTION TO STRIKE NOTICE OF RELIANCE AND IN THE ALTERNATIVE MOTION
FOR LEAVE TO AMEND ADMISSIONS TO REFLECT THE ATTACHED ANSWERS
TO OPPOSER'S REQUEST FOR ADMISSIONS**

Applicant/Petitioner, Julie Somers ("Applicant"), hereby moves to strike Opposer's Notice of Reliance as the Opposer waived the right to request Applicant's Responses to Opposer's First Request For Admissions by June 5, 2003 as the Opposer orally granted an extension on responses. It was represented that the Applicant had time to decide whether to settle before having to answer Opposer's Request for Admissions. The allegations in the Notice of Reliance are false, inconsistent and frankly bewildering considering the fact that extensions were sought and granted. The Applicant will answer discovery but does not agree that the extensions were not sought and granted and that the Applicant not responding to the First Set of Request for Admissions constitutes admissions by the Applicant. Moreover, the Applicant did not even have an attorney until recently and was misled by Opposer as to time to answer.

In view of the foregoing, and because this motion is filed promptly after retaining an Attorney, it is submitted that the Motion To Strike Notice Of Reliance be granted and In The Alternative to grant Applicant's Motion For Leave To Amend Admissions To Reflect the attached Applicant's Objections and Responses to Opposer's First Set of Requests for Admissions.

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service via first class mail in an envelope addressed to: BOX TTAB - FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on

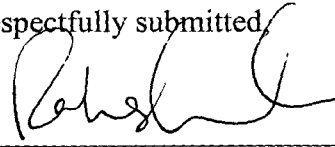
June 17, 2003
Date

Signature

Date: June 17, 2003

Weaver & Amin
217 North Jefferson Street
Suite 602
Chicago, IL 60661
Phone: (312) 466-0077
Fax: (312) 466-0088

Respectfully submitted,



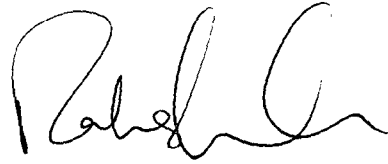
Rakesh M. Amin
Attorney for Applicant

CERTIFICATE OF SERVICE

I, Rakesh M. Amin, hereby certify that I caused the foregoing **MOTION TO STRIKE NOTICE OF RELIANCE AND IN THE ALTERNATIVE MOTION TO REQUEST TO AMEND ADMISSIONS TO REFLECT ATTACHED ANSWERS** to be served via U.S. Mail, first class postage pre-paid, to:

Jonathan A. Hyman, Esq.
Knobbe, Martens, Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

this 17th day of June, 2003.

A handwritten signature in black ink, appearing to read 'Rakesh M. Amin', written over a horizontal line.

Rakesh M. Amin

1. The requests are objected to on the ground that they call for admission of matters outside the scope of discovery permitted under FRCP 26(b).
2. The requests are objected to on the ground that they call for admission of matters protected by the attorney-client privilege.
3. Any request for admissions at this time should be stayed by the court in order to protect Applicant from annoyance, oppression, undue burden and expense.
 - a) Defendant's dispositive motion has been filed, briefed and argued to this Board. The motion contends, among other things, that the relief sought by Plaintiff is inappropriate, that Plaintiff lacks standing and is not the real party in interest, and that plaintiff's claim is barred by immunity and by the running of the applicable statute of limitation. In light of the dispositive nature of the motion, and the annoyance, oppression, and undue burden and expense that will be incurred by Defendant in complying with the Request, any response to admission requests should await this Board's ruling on the pending motion.

Answer to Request No. 1:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I deny the Request because I do currently use the mark in connection with greeting cards, Christmas cards and occasion cards.

Answer to Request No. 2:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I deny the Request because I have used the mark in connection with greeting cards, Christmas cards and occasion cards.

Answer to Request No. 3:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I admit the Request.

Answer to Request No. 4:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I admit the Request.

Answer to Request No. 5:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I admit the Request.

Answer to Request No. 6:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I admit the Request.

Answer to Request No. 7:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I admit the Request.

Answer to Request No. 8:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I admit the Request.

Answer to Request No. 9:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. This Request is also vague and ambiguous. To the extent I can answer, I deny that I thought about Ms. Suzanne Somers before adopting my SOMERSEASONS GREETINGS ASHLEY design mark and deny that myself or anyone else, other than Suzanne Somers herself, believed that Suzanne Somers marks would be argued as being a conflict because the marks are so drastically different.

Answer to Request No. 10:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. This Request is also vague and ambiguous; but to the extent I can answer, I deny that I thought about Ms. Suzanne Somers before filing my SOMERSEASONS GREETINGS ASHLEY design mark and deny that myself or anyone else, other than Suzanne Somers herself, thought that the Suzanne Somers marks would pose a conflict for me because the marks at issue are openly and obviously different, distinct and unrelated.

Answer to Request No. 11:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I deny the Request.

Answer to Request No. 12:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused.

Without waiving specific or general objections and to the extent I can answer, I deny the Request.

Answer to Request No. 13:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I admit the Request.

Answer to Request No. 14:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I admit the Request.

Answer to Request No. 15:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. This request is also vague and ambiguous and calls for speculation. Without waiving specific or general objections and to the extent I can answer, I deny the Request.

Answer to Request No. 16:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. This request is also vague and ambiguous and calls for speculation. Without waiving specific or general objections and to the extent I can answer, I deny the Request.

Answer to Request No. 17:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I admit the Request.

Answer to Request No. 18:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I deny the Request.

Answer to Request No. 19:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I deny the Request.

Answer to Request No. 20:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I deny the Request.

Answer to Request No. 21:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I admit the Request.

Answer to Request No. 22:

The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I admit the Request.

Answer to Request No. 23:

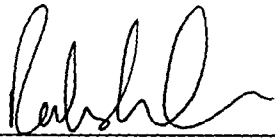
The Request is irrelevant because the SOMERSEASONS GREETINGS ASHLEY distinctive design mark and SUZANNE SOMERS marks are so drastically different that not even 1% of potential consumers in the relevant market place would be confused. Without waiving specific or general objections and to the extent I can answer, I deny the Request. Michael Ferguson, who conducted the trademark search, advised me that I was free and clear to use and register my SOMERSEASONS GREETINGS ASHLEY distinctive design mark and that absolutely no conflict existed.

Answer to Request No. 24:

This Request is irrelevant, vague and ambiguous. Because the marks at issue are so drastically different, priority of use is not an issue. Nevertheless, I am the senior user of the SOMERSEASONS GREETINGS ASHLEY design mark reflected in USPTO Application Serial No. 76/255860.

June 06/17/03, 2003

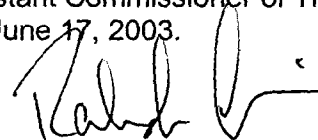
Julie Somers
JULIE SOMERS



Rakesh M. Amin
Attorney for Applicant
Weaver & Amin
217 North Jefferson Street
Ste. 602
Chicago, IL 60661
312-466-0077
312-466-0088 fax
ramin@weaveramin.com
www.weaveramin.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence **APPLICANT'S OBJECTIONS AND RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS NOS. 1-24**, is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: BOX TTAB, NO FEE, Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on June 17, 2003.

A handwritten signature in black ink, appearing to read 'Rakesh M. Amin', written over a horizontal line.

Rakesh M. Amin

Attorney for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PORT CARLING CORPORATION,

Opposer,

v.

JULIE SOMERS,

Applicant.

Opposition No. 91,152,840

Serial No.: 76/255,860

I hereby certify that this correspondence and all marked
attachments are being deposited with the United States
Postal Service as first-class mail in an envelope
addressed to: Assistant Commissioner for Trademarks
2900 Crystal Drive, Arlington, VA 22202-3514, on

June 6, 2003

(Date)

Jonathan A. Hyman

OPPOSER'S NOTICE OF RELIANCE IN THE OPPOSITION
UNDER 37 C.F.R. § 2.120

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

ATT: BOX TTAB NO FEE

Dear Sir:

Opposer, Port Carling Corporation, hereby makes of record, pursuant to 37 C.F.R. § 2.120(j)(3)(i), the following:

1. Opposer's First Request For Admissions.

Opposer submits herewith, attached as Exhibit A, a copy of Opposer's First Request For Admissions which were served on Applicant on March 28, 2003. Applicant has failed to timely file Answers to Opposer's First Request For Admissions. An extension of time to file such an Answer was not granted to, or even sought by Applicant. Accordingly, Applicant has not responded to Opposer's First Request For Admissions. The failure to respond to the Request For

Admissions is respectfully submitted to indicate admission by Applicant of the requested admissions.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6.6.03

By: 

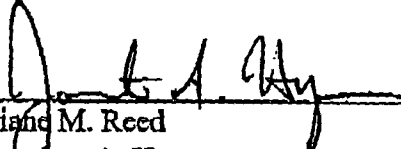
Diane M. Reed
Jonathan A. Hyman
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404
Attorneys for Opposer
PORT CARLING CORPORATION

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060603

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **OPPOSER'S NOTICE OF RELIANCE IN THE OPPOSITION UNDER 37 C.F.R. § 2.120** upon Applicant's counsel by facsimile and by depositing one copy thereof in the United States Mail, first-class postage prepaid on June 6, 2003, addressed as follows:

Rakesh M. Amin, Esq.
WEAVER & AMIN
217 North Jefferson Street, Suite 602
Chicago, Illinois 60661


Diane M. Reed
Jonathan A. Hyman
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404
Attorneys for Opposer
PORT CARLING CORPORATION

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